EXHIBIT 8

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE INCORPORATED, )

Plaintiff, )

vs. )No. 99cv2668 H (AJB)

VYSIS, INC., )

Defendant. )

The confidential deposition of DONALD NEIL HALBERT, Ph.D., called as a witness for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before ANDREA L. CARTER, a Notary Public within and for the County of Cook, State of Illinois, and a Certified Shorthand Reporter of said state, CSR No. 84-3722, at 100 Abbott Park Road, Abbott, Illinois, on the 19th day of April, A.D. 2001, at 10:17 a.m.

definition of amplify that we looked at in column 2 of the '338 patent?

A. I don't recall.

Q. Are you aware of anyone else at either Gene-Trak or Amoco that during -- again bracketing those two dates that did any work that you would believe fell within the definition of amplify?

A. I really don't recall.

Q. During the discussions that took place between you -- some combination of you, Dr. Lawrie, Dr. King, Dr. Collins that we have talked about earlier, were there proposals advanced for methods to amplify nucleic acids that had been captured using a capture probe?

A. I believe that's correct.

Q. What proposals were advanced?

A. I can recall nonspecific methods of amplification as defined by random hexamer probe amplification and other types of enzyme -- enzymatic amplification. Frankly, I am not sure whether my recollection is accurate going back to that date or whether it's based on me going back and reviewing some of the documents that I have seen in the meantime.

Q. Including the invention disclosure?

A. Correct.

Q. Is it true that there was a general desire -- again, I will use these same dates of bracketing November 1985 and 1986 unless I indicate otherwise. But during this time frame, that there was a desire to identify amplification techniques that could be used to amplify a nucleic acid that did not involve PCR?

A. Yes.

Q. And is it true that the reason why there was a desire to find something other than PCR is at least in part that there were questions -- scientific, technical questions as to whether or not PCR at that time could be adequately quantitated for use in a diagnostic assay?

A. I seem to recall those types of discussions, yes.

Q. And was there -- wasn't there also a concern within the Amtrack -- Amtrack. It would have been a great name if they combined the companies between the Amoco and Gene-Trak.

MR. BANKS: I think that was taken.

BY MR. SWINTON:

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Q. Between the Amoco and Gene-Trak teams, wasn't there also a concern that helped to motivate in part this desire to find something other than PCR that there were concerns about whether or not PCR was going to be available for other participants in the industry to use other than the then presumed owner of Cetus?

A. Yes.

MR. VESSELINOVITCH: Objection to the --

BY MR. SWINTON:

Q. Where there any other concerns expressed among this assembled group during this time period that motivated a desire to find an amplification method other than PCR?

A. Could you repeat that question?

Q. Sure. Were there any other concerns expressed among this assembled group during this time frame that formed at least in part a motivation to find an amplification method other than PCR?

MR. BANKS: Object to form.

BY THE WITNESS:

A. Not that I recall.

BY MR. SWINTON:

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